

1 WEST VALLEY CITY, UTAH

2  
3 ORDINANCE NO. \_\_\_\_\_

4  
5 Draft Date: 6/29/2009

6 Date Adopted: \_\_\_\_\_

7 Date Effective: \_\_\_\_\_

8  
9 AN ORDINANCE AMENDING SECTION 8-1-112 OF TITLE 8 OF  
10 THE WEST VALLEY CITY MUNICIPAL CODE REGARDING  
11 THE APPEALS PROCESS FOR IMPACT FEES.  
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13  
14 WHEREAS, City staff recommends amending Section 8-1-112 of Title 8 regarding the appeals  
15 process for impact fees by allowing the City Council to adjudicate such matters; and  
16

17 WHEREAS, the City Council of West Valley City, Utah, hereby determines that it is in the best  
18 interests of the citizens of West Valley City to amend Section 8-1-112 of Title 8 of the West Valley City  
19 Municipal Code;  
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21 NOW, THEREFORE, BE IT ORDAINED by the City Council of West Valley City, Utah, as  
22 follows:  
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24 Section 1. Repealer. Any provision of the West Valley City Code found to be in conflict with  
25 this Ordinance is hereby repealed.  
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27 Section 2. Amendment. Section 8-1-112 of Title 8 of the West Valley City Municipal Code is  
28 hereby amended as follows:  
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30 8-1-112. RELIEF PROCEDURES AND HEARINGS.  
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32 (1) A developer who owes or has paid an impact fee may appeal the validity of the  
33 assessment or payment of the fee to the Impact Fee Administrator. The appeal must be filed within 30  
34 days of the date that payment is due. The Impact Fee Administrator shall issue a written decision on the  
35 appeal within 30 days of the date the appeal was filed.

36 (2) The developer may appeal the decision of the Impact Fee Administrator to the Board of  
37 Adjustment City Council within 30 days after the Impact Fee Administrator's decision. Any fees that are  
38 owed pursuant to the Impact Fee Administrator's decision must be paid prior to appeal to the Board of  
39 Adjustment City Council.

40 (3) The Board of Adjustment City Council shall conduct a public hearing on the appeal. The  
41 hearing shall be recorded. The Board's Council's decision shall be made within 30 days of the date the  
42 appeal is filed.

43 (4) A developer may appeal the final decision of the Board of Adjustment City Council by  
44 filing a petition with the district court, pursuant to Section 11-36-401(5) of the Utah Code.  
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46 Section 3. Severability. If any provision of this Ordinance is declared to be invalid by a court of  
47 competent jurisdiction, the remainder shall not be affected thereby.  
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49 Section 4. Effective Date. This Ordinance shall take effect immediately upon posting in the  
50 manner required by law.

**PASSED and APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

WEST VALLEY CITY

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY RECORDER